

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

JUDY SALTSMAN and	)	CASE NO. 1:12-cv-1990
COY SALTSMAN,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
WALMART, INC.,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

Robert B. Thornburg, counsel for Defendant Wal-Mart Stores East, LP, incorrectly sued as Walmart, Inc., states:

1. On April 27, 2021, Plaintiffs filed their Complaint for Damages against Defendant Wal-Mart, Inc. in the Bartholomew County Circuit Court of Indiana, under Cause No. 03C01-2104-CT-002310. Plaintiffs re-filed their Complaint for Damages on June 3, 2021 along with an Alias Summons. Thereafter, service was perfected on the Defendant's registered agent, CT Corporation, on June 10, 2021, via certified mail, return receipt requested.

2. Walmart, Inc. is a Delaware corporation with its principal place of business in Arkansas. Walmart, Inc. is a publicly traded company on the New York Stock Exchange and traded under the symbol WMT. No publicly traded entity owns more than 10% of the company.

3. Wal-Mart Stores East, LP, is a Delaware limited partnership, of which WSE Management, LLC is the general partner, and WSE Investment, LLC is the limited partner. The sole member of both WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC, an Arkansas limited liability company whose sole member is Walmart, Inc. The principal place of business for all entities mentioned is Bentonville, Arkansas. Walmart, Inc., a

Delaware corporation, is a publicly traded company on the New York Stock Exchange and traded under the symbol WMT. The principal place of business for Walmart, Inc. is Bentonville, Arkansas. No publicly traded entity owns more than 10% of the company. Thus, for purposes of diversity jurisdiction, Wal-Mart Stores East, LP is a citizen of Delaware and Arkansas.

4. Plaintiffs are citizens of the state of Indiana.

5. The matter in controversy exceeds \$75,000.00, exclusive of interests and costs; this action does not arise under the Workmen's Compensation laws of any state; is not brought against a common carrier or its receivers or trustees; does not arise under 45 U.S.C. §§ 51-60; and, therefore, this cause is removable to this Court under 28 U.S.C. § 1441(b).

6. This Notice of Removal is being filed with this Court within 30 days after the receipt of information from Plaintiffs' counsel that the amount in controversy exceeds \$75,000 in that counsel is unwilling to stipulate that the amount in controversy does not exceed \$75,000 due to the nature and extent of the Plaintiffs' injuries and Plaintiffs' current demand exceeding \$75,000. As a result, this case is removed to this Court under 28 U.S.C. § 1446(b)(3).

7. Copies of all process, pleadings, and orders served upon petitioner in the state court action are attached hereto. Promptly hereafter, written notice will be given to all adverse parties and to the Clerk of the Bartholomew County Circuit Court of Indiana, that this Petition for Removal is being filed with this Court.

WHEREFORE, Defendant prays that the entire state court action, under Cause No. 03C01-2104-CT-002310, now pending in the Bartholomew Circuit Court of Indiana, be removed to this Court for all further proceedings.

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/ Robert B. Thornburg

Robert B. Thornburg, #19594-02  
*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

Service of the foregoing was made by placing a copy of the same into the United States Mail, first class postage prepaid, this 8<sup>th</sup> day of July, 2021, addressed to:

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*Counsel for Plaintiff*

/s/ Robert B. Thornburg  
Robert B. Thornburg

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LR08000.0743441 4821-4734-2576v1